

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Alex Samuel Folk

Docket No. 5:04-CR-167-2

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Alex Samuel Folk, who, upon an earlier plea of guilty to Interference With Commerce by Threats or Violence (Hobbs Act), 18 U.S.C. § 1951 and Discharging a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting, 18 U.S.C. § 924 (c)(1)(A)(iii) and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 14, 2005, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
2. The defendant shall provide the probation office with access to any requested financial information.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. The defendant shall pay a \$200 Special Assessment and \$85,021.53 in Restitution.

Alex Samuel Folk was released from custody to the Middle District of Florida, on October 1, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 9, 2012, the releasee was arrested by the Marion County Sheriff's Department, Ocala, Florida, and charged with Simple Battery and Criminal Mischief, less than \$200 Damage. He was released on bond pending disposition in the case. According to the arresting officer's incident report, the releasee allegedly hit his girlfriend and threw a wrench through the windshield of her car.

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The releasee admitted to the probation officer he had an altercation with his girlfriend, pushed her and threw a wrench through her windshield. He denied hitting her.

Other than the aforementioned incident, the releasee is compliant with his conditions of release. He is living with family and works as a barber in a local barbershop. Since his release, he has participated in substance abuse treatment and all urine screens have been negative. He continues to make monthly payments towards his restitution obligation and has satisfied the special assessment in full. Considering his overall compliance, the supervising probation officer in Florida has requested the violations be held in abeyance, and the releasee's conditions be modified to include mental health treatment. Holding the violation in abeyance will allow the officer to take further action if problems persist.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. You shall participate in a mental health treatment program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, you shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Mental Health Treatment Services.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-648-2048
Executed On: May 25, 2012

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ORDER OF COURT

Considered and ordered this 26 day of May, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
U.S. District Judge